

**Call to Order:**

The meeting was called to order at 7:43 p.m. Present were Chair, Joan Duff, and members, Linn Anderson, Vincent Chiozzi, John McDonnell and Mark Yanowitz; also present was Paul Materazzo, Director of Planning, Lisa Schwarz, Senior Planner and Jacki Byerley, Planner.

**Weeping Willow Estates:**

The Board opened the public hearings on an application by Greenwood-Andover Development, LLC, for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates located on the corner of Greenwood and Chandler Road. Ms. Duff, Planning Board Chair, gave an overview of the Planning Board's public hearing procedures. Dan Koravos of DK Engineering Associates gave the Board a handout of the presentation plan dated July 17, 2010; he reviewed the location of the subdivision, the existing drainage in the area, and the Form A lots. Mr. Koravos also noted that 7-lots would be accessed off the new roadway and two lots are Form A lots with frontage on Chandler Rd. He reviewed the utilities for the project which included the looping of the water line, the sewer lines, the existing and proposed drainage system. Attorney Mark Johnson, representing the applicant, gave the Board a handout that consisted of a draft homeowners' association, draft water easement, draft private sewer easements, the draft sewer line maintenance agreement for lots 8 & 9 and a copy of the Selectmen's Executed Waiver of Statutory Option to Purchase Land (61A). Jacki Byerley reviewed her memo to the Board dated August 5, 2010 which included comments from the IDR conducted on August 3<sup>rd</sup>. The Board discussed the plans; questioned what properties were included in the plan and if there are any 21E concerns given the site's prior agricultural use. Raymond Cormier, the applicant, reviewed what properties he had under purchase and sale agreement. Attorney Johnson reviewed the subdivision plan that was handed out to the Board earlier and noted that the shaded area comprised the subdivision and was under contract. Ms. Anderson reviewed the list of items to be discussed at a future meeting. Chair Duff open the discussion to the public, asking if there were other concerns to be added to the list of items which will be discussed at future meetings. Richard Adamsky, 207 Greenwood Road, identified the following concerns: an existing problem with roadway runoff traveling into his driveway during heavy rains, the location of the proposed subdivision roadway relative to his driveway, traffic and the safety of his children. Angela Wakeley, 206 Greenwood Road, expressed concern that the proposed roadway location is within 10' of her driveway. James Sullivan, 9 Matthew Street, was concerned that the existing flooding that occurs on his property will increase and also asked if the existing mature oak trees on the property line would be removed. Sandra Ridders, 7 Matthew Street, expressed concern regarding the distance between the proposed house and her property line and inquired if there would be any screening/buffering since the existing tree line is thin. Mr. Adamsky expressed concern regarding earth movement/hauling, and had questions regarding the scope of construction activities to Greenwood Rd. and how the utilities to the new subdivision might impact the abutters' services. Mr. Cormier noted that DPW oversees the construction of Greenwood Rd. and how it's repaired. Ms. Byerley noted that the site is a balanced site in terms of earth movement. Mr. Cormier noted that the utilities have to be underground. Service is run to the utility pole, then MASS Electric ties it into the pole and there is no service disruption to abutters. The Planning Board requested a more detailed description of the process providing electrical service to the subdivision. On a motion by Ms. Anderson, seconded by Mr. Chiozzi, the Board voted to continue the public hearings on an application by Greenwood-Andover Development, LLC for a Definitive

**Weeping Willow Estates (cont.):**

Subdivision Plan and a Special Permit for Earth Movement associated with a 9-lot subdivision entitled Weeping Willow Estates until Aug. 24<sup>th</sup> at 8:00 pm and Sept. 28<sup>th</sup> at 7:30 pm taking the items on the secretary's list dated Aug. 10<sup>th</sup> in sequential order 1-7 first and remaining to follow if time allows. The Board further moved to conduct a site walk at Greenwood/Chandler Rd. Weeping Willow Estates on Aug. 24<sup>th</sup> at 7:00 pm **Vote** Unanimous (5-0)

**39-47 High Plain Road:**

The Board opened the public hearings that were continued from the July 27<sup>th</sup> meeting on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision which consists of 2 existing lots that will be reconfigured to create one new lot entitled 39-47 High Plain Road. It should be noted that at 7 pm this evening, prior to tonight's meeting the Board went on a site-walk at 39-47 High Plain Road. Attorney Mark Johnson, representing the applicant, reviewed the areas of concern from the previous meeting; he also reviewed the plan showing full build out and noted if parcel A & B were incorporated into the lot it would make the lot non-conforming. Attorney Johnson reviewed the ZBA's decision to grant relief for the location of the barn but noted that the ZBA did not grant relief for the structures. Attorney Johnson noted that the applicant is willing to accept a restriction that the roadway will not be built out. Mr. Chiozzi questioned the location of the house in relation to the right of way. Attorney Johnson noted what is on the plan is a reasonable footprint of the house, and he noted the lot line is 90' & 100' feet away from abutters. Mr. McDonnell noted that dictating where the house is placed on a lot is not in the Board's purview. Ms. Schwarz reviewed her memo to the Board dated August 4, 2010 which included an overview of the subdivision control law, the special permit requirements and what the Board can review during the process. Robert Slauzis, 53 High Plain Rd., expressed concerns regarding his quality of life with decreased privacy in his backyard and concerns that the value of his property will decrease. Attorney Johnson gave the Board handouts of draft easements and homeowners' association documents and noted they are not usually approved until after the Board has acted on an application. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to continue the public hearings on an application by Scott Gibson for a Definitive Subdivision Plan and a Special Permit for Earth Movement associated with a 3-lot subdivision which consists of 2 existing lots that will be reconfigured to create a one new lot entitled 39-47 High Plain Road until August 24<sup>th</sup> at 7:30 and further continued to September 21, 2010 at 7:30 **Vote** Unanimous (5-0)

**Merrimack Estates:**

The Board took up the discussion on a request by the developer of Merrimack Estates to amend the Board's approval to allow for the issuance of Lot Clearance Certificates without the completion of the construction of the off-site sidewalk but will hold Lot 17 until the sidewalk construction work is complete. Ms. Byerley reviewed her memo to the Board dated August 6, 2010. Kenneth Lania of K & M Land Consultants, LLC representing the applicant, reviewed his letter to the Board dated August 5, 2010; he also handed out a plan showing the construction of a 295' of sidewalk at the driveway of Friary to the Melmark School. Ms. Byerley stated that at this time the only request before the Board is to amend the Board's decision, and the applicant will have to come back to discuss the sidewalk location at another meeting. Mr. McDonnell

**Merrimack Estates (cont.):**

questioned why the Board would withhold clearance certificates on a lot if they have secured a bond. The Board discussed the applicant's request, the conditions of approval, and the sequence of events in order to receive clearance certificates. On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to find the request of Wiled Realty Trust to amend the Planning Board's conditions of approval dated 10-22-08 for Merrimack Estates to be a minor modification. The request pertains to withholding Clearance Certificates for lots 17 through 24 prior to the installation of 'off-site improvements' as stated in condition #38 of the Board's original conditions of approval, and is further described in letter dated August 5, 2010 from Kenneth Lania of K & M Land Consultants, LLC to Jacki Byerley. **Vote** (4-1) Ms. Anderson, Mr. McDonnell, Ms. Duff and Mr. Yanowitz voting yes; and Mr. Chiozzi voting no.

On a motion by Ms. Anderson, seconded by Mr. McDonnell, the Board voted to delete the words "vertical granite curbing" from the first sentence of Condition #38 pursuant to a decision made by the Planning Board on November 17, 2009. At that time the Board approved a request for a minor modification by Wiled Realty Trust to use bituminous curbing within the subdivision of Christian Way instead of vertical granite curbing. **Vote** Unanimous (5-0)

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to modify Condition # 38 to read as follows:

Prior to the issuance of a Clearance Certificate for Lots # 18 through 24, all utilities shall have been fully constructed and approved by the Department of Public Works. Immediately following the installation of said utilities, the developer shall prepare as-built plans pursuant to Section VII.W. of the Rules and Regulations Governing the Subdivision of Land in Andover. **Vote** (4-1) Ms. Anderson, Mr. McDonnell, Ms. Duff and Mr. Yanowitz voting yes; and Mr. Chiozzi voting no.

On a motion by Ms. Anderson seconded by Mr. McDonnell the Board voted to add a new condition # 38A be added and shall read as follows:

Lot #17 shall not be conveyed, nor shall a Clearance Certificate be issued for Lot #17 until the off-site sidewalk construction required in the original conditions of approval dated 10-22-08 has been constructed and approved by the Department of Public Works. Vertical granite curbing shall be required along the sidewalk. Construction of the sidewalk must be completed by October 30, 2011, and no change in the location of the proposed sidewalk shall be made without approval by the Planning Board. **Vote** (4-1) Ms. Anderson, Mr. McDonnell, Ms. Duff and Mr. Yanowitz voting yes; and Mr. Chiozzi voting no.

**Other Planning Related Issues:**

Mr. Materazzo discussed the opening for the associate member and suggested the Board form a subcommittee to review the talent bank forms and make a recommendation to the Board. Ms. Anderson and Mr. McDonnell volunteered to review the forms and make a recommendation.

Mr. McDonnell suggested that he and Ms. Duff work on a handout outlining the role and responsibility of the Board, the Subdivision Control Law and what is and isn't in the Board's purview.

The Board discussed Low Impact Developments and the need to amend their Rules and Regulations Governing the Subdivision of Land for subdivisions containing 3 or less lots.

**Adjournment:** The Board voted to adjourn the meeting at 9:56 p.m.